

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7056

BILL NUMBER: SB 320

NOTE PREPARED: Apr 3, 2007

BILL AMENDED: Apr 2, 2007

SUBJECT: Massage Therapists Certification.

FIRST AUTHOR: Sen. Miller

FIRST SPONSOR: Rep. Klinker

BILL STATUS: As Passed House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
☐ **FEDERAL**

IMPACT: State & Local

Summary of Legislation: *State Board of Massage Therapy*- The bill establishes the State Board of Massage Therapy to certify massage therapists.

Certification of Massage Therapists- The bill specifies certification requirements. The bill establishes guidelines for the certification by endorsement of a massage therapist who holds a certification or license in another state.

Penalty Provision- The bill establishes penalties for the unauthorized use of the title massage therapist. The bill provides that a licensed clinical social worker, a social worker, a marriage and family therapist, or a mental health counselor may not administer or interpret a psychological test unless the individual is competent to administer or interpret the psychological test.

Restriction of and Prohibition of Individuals Administering or Interpreting Psychology Tests- The bill removes: (1) the Psychology Board's authority to establish a list of restricted psychology tests; and (2) the prohibition of certain individuals from administering or interpreting a restricted psychological test. The bill repeals definition of "appraisal".

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Certification of Massage Therapists*- The Professional Licensing Agency (PLA) would provide staff support for the State Board of Massage Therapy. The PLA reports they have 11 workgroups that are currently at working capacity staffing 37 professional boards and commissions. The PLA reports their vacancies are either assigned to the existing boards when filled or are currently

unfunded.

Additional expenditures for two staff members is estimated to be \$91,800 in FY 2008 and \$89,400 in FY 2009. The estimates include salaries and benefits, telephone expense, office supplies, and printing costs. The bill does not make an appropriation to cover these expenditures for the Board.

Background- As of October 2006, the PLA had 92 full-time employees. The PLA reverted \$63,329 to the state General Fund at the close of FY 2006. The January 1, 2007, vacancy report indicates the PLA has 16 vacancies worth \$342,000.

State Board of Massage Therapy- The Board would be composed of 5 members selected by the Governor. Members of the Board would not be allowed the minimum salary per diem or any other compensation for the performance of duties. The Board would have the power to:

- (a) administer and enforce massage therapy regulation,
- (b) judge applicant qualifications for certification,
- (c) deny, issue, or renew certifications,
- (d) discipline individuals in violation of massage therapy regulations,
- (e) establish reasonable fees for examination, certification, applications, and renewal of certifications, and
- (f) maintain records of certified therapists and of all proceedings.

The bill requires the Board to approve the use of the National Certification Exam for Therapeutic Massage and Bodywork or the National Certification Board Examination of the American Medical Massage Association for certification as a massage therapist.

Explanation of State Revenues: *Certification of Massage Therapists-* This bill establishes a certification program for massage therapists and requires the Board to establish reasonable fees for examinations, certification applications, renewal of certifications, and other services. According to current statute, fees set by an occupational or professional licensing board cannot be less than the amount required to pay all of its costs, direct and indirect.

The American Massage Therapy Association and the Association of Body and Massage Professionals have a combined total of approximately 2,300 massage therapists as members in Indiana, and approximately 350 massage therapists in Indiana are currently certified by the National Certification Board for Therapeutic Massage and Bodywork. All massage therapists would be required to apply for a certification in order to continue practicing in Indiana. Although the bill includes a grandfather clause, all applicants are required to pay the certification fees. A certification may also be issued by endorsement when certain requirements are met. All revenue collected from fees from the certification of massage therapists would be collected and accounted for by the PLA and deposited in the state General Fund.

The bill allows the Board to issue a certification to any applicant who enrolled in, before July 1, 2007, (and completes before January 1, 2008) a 500-hour massage therapy school or program that was in good standing with any state, regional, or national government that regulates massage therapy or programs. Massage therapists attending or finishing a recognized school or program within the above time limits would be able to more easily receive a certification to practice massage therapy in Indiana. As of December 2006, the AMTA recognized 18 Indiana massage therapy schools for instruction.

(Revised) *Penalty Provision* - Violations of the massage therapy certification provisions would constitute

a Class B misdemeanor. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: (Revised) *Penalty Provision:* A Class B misdemeanor is punishable by up to 180 days in jail.

Explanation of Local Revenues: The bill repeals the fee involved for the required fingerprinting of massage therapists. Local law enforcement units were involved with fingerprinting and fee collection. Localities would lose revenue as a result of the removal of the fee, but would have a corresponding reduction in expenditures. This bill also provides that state law relating to massage therapy supercedes an ordinance or regulation adopted by a municipality or county related to the licensing or registration of massage therapists. However, state law does not affect local regulation relating to occupational certification fees adopted by a municipality or county pertaining to massage therapists.

Penalty Provision: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: Professional Licensing Agency.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Barbara McNutt, Professional Licensing Agency, 317-234-1987; IC 25-1-8-2; Barbra Lis, Indiana Chapter of the American Massage Therapy Association, www.amtaindiana.org; January 1, 2007, vacancy report; State Budget Agency: FY 2006 closeout documentation.

Fiscal Analyst: Chris Baker, 317-232-9851.